IN RE: PETITION FOR SPECIAL EXCEPTION

S/S Padonia Road, 1200' E of

the c/l York Road

(61 East Padonia Road) 8th Election District

4th Councilmanic District

* BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

* Case No. 97-422-X

Padonia Village, Inc., Owners, and

DMC Enterprise, Inc., T/A Padonia Station, Contract Lessees

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Exception for that property known as 61 East Padonia Road, located in the vicinity of York Road in the Padonia Village Shopping Center. The Petition was filed by the owner of the property, Padonia Village, Inc., by James Keelty, President, and the Contract Purchaser/Lessee, DMC Enterprise, Inc., T/A Padonia Station, by Marc Loundas, through their attorney, Newton A. Williams, Esquire. The Petitioners seek a special exception for an amusement arcade on the subject property, in accordance with the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Michael Keelty, Marc Loundas, Wayne R. Tanner, Joseph J. Stonik, and Newton A. Williams, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 11.8 acres, more or less, zoned B.L., and is the site of the Padonia Village Shopping Center, which contains a variety of commercial and retail uses. The Petitioners are desirous of converting 12,075 sq.ft. of space which was previously occupied by a restaurant/night club to a combination restaurant/amusement arcade. No one appeared in

RESULTATIONS THEING

Deposition to the request and there were no adverse comments from any Baltimore County reviewing agency. In fact, the Petitioners have already obtained conditional permits and installed some of the video games for the arcade portion of the proposed use. Testimony indicated that the arcade use has been more beneficial to the surrounding community than the previous use as a night club, and therefore, should not result in any detriment to the public health, safety and general welfare.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this $\cancel{13}$ day of May, 1997 that the Petition for Special Exception for an amusement arcade on the subject property, in accordance with Petitoiner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

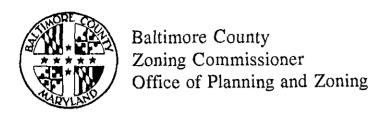
1) The Petitioners may apply for their building/use permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

May 13, 1997

Newton A. Williams, Esquire Nolan, Plumhoff & Williams 502 Washington Avenue, Suite 700 Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION

S/S Padonia Road, 1200' E of the c/l York Road

(61 East Padonia Road)

8th Election District - 4th Councilmanic District

Padonia Village, Inc., Owners, and DMC Enterprise, Inc.,

T/A Padonia Station, Contract Lessee - Petitioners

Case No. 97-422-X

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. James Keelty, President, Padonia Village, Inc. P.O. Box 258, Timonium, Md. 21093

Mr. Marc Loundas, Vice President, Padonia Station 61 E. Padonia Road, Timonium, Md. 21093

Peoplé's Counsel

Case File

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE

61 E. Padonia Road, S/S Padonia Road,

1200'+/- E of c/l York Road, 8th Election * ZONING COMMISSIONER

District, 4th Councilmanic * OF BALTIMORE COUNTY

Legal Owner: Padonia Village, Inc.

Contract Purchaser: DMC Enterprise, Inc., * CASE NO. 97-422-X

t/a Padonia Station

Petitioners *

* * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of May, 1997, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esq., Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 502, Towson, MD 21204, attorney for Petitioners.

PETER MAX ZIMMERMAN

el Max Zimneinan



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

	for	th	e	property	ľ	located	at
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61 East Padonia Road

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This Petition shall be filed with the Office of Zoning Administration Undersigned, legal owner(s) of the property situate in Religious	lon & Development Manage	- 	
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Property is to be posted and advertised as prescribed, or we, agree to pay expenses of above Special Expenses of above Special Expenses.	t by Zoning Regulations.		
I, or we, agree to pay expenses of above Special Exception adverti- are to be bound by the zoning regulations and restrictions of Baltime	sing, posting, etc., upon filing of t	his petition, and further ac	aree to
are to be bound by the zoning regulations and restrictions of Baltimo	ire County adopted pursuant to th	te Zoning Law for Baltimo	re Cou
	I/We do solemnly declare and affirm, or	ides the penalties of perjury, that i	i/wa are (
antiact Purchaser/Lesses DMC Enterential Too C. /s	legal owner(s) of the property which is th	a subject of this Patition	
pro Enterprise, inc. 1/A	Legal Owner(e):		
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Nolan, Plumhoff & Williams	Timondom		
per or Print Name)	Timonium,	MD 21093	
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Norman G. Sacks 9005 Briar Road Parkville, MD 21234

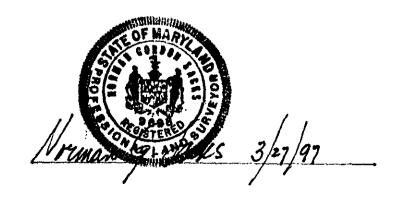
97-422-X

DESCRIPTION FOR ARCADE - PADONIA STATION

Beginning at a point on the Northeast corner of the building and running in a counter clockwise direction the four following courses and distances: (1) S 89° 46'03" W 115' ±; (2) S 00° 13'57" E 105' ±; (3) N 89° 46'03" E 102' ±; (4)N 00° 13'57" W 105' ± to the point of beginning containing 12,075 square feet more or less.

DESCRIPTION OF PARKING AREA FOR ARCADE - PADONIA STATION

Beginning at a point on the Northeast corner of the building and running in a counter clockwise direction the seven following courses and distances: (1) S 00° 13′57″ E 105±; (2) S 89° 46′03″ W 13′±; (3) S 00° 13′57″ E 69′±; (4) N 71° 55′05″ E 106′±; (5) N 31° 18′31″ E 183′±; (6) N 58° 34′11″ W 135′±; (7) S 39° 05′26″ W 90′± to the point of beginning containing 29,357 ± square feet more or less.



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CERTIFICATE OF PUBLICATION

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SALE ON PRINTSTO
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BALTIMORE COUNTY, APRIL
FRIDAY, APRIL

CERTIFICATE OF STING

E: Case No.: 97-422-X
Petitioner/Developer: D.M.C. ENTERPRISES, ETAL C/O MARK LANDIS T/A PADONIA STATION G/O NEWTON WILLIAMS, EBQ. Date of Hearing/Closing: 5/6/97
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onth, Day, Year)
Sincerely,
(Signature of Sign Poster and Date)
Patrick M. O'Keefe
(Printed Name)
523 Penny Lane (Address)
Hunt Valley, MD 21030
(City, State, Zip Code)
(410) 666-5366 Pager (410) 646-8354 (Telephone Number)

Request for Zoning: Variance, Special Exception, or Special Hearing				
Date to be Posted: Anytime before but no later than				
Format for Sign Printing, Black Letters on White Background:				

ZONING NOTICE

Case No.: 97-422

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: *	
DATE AND TIME:	*
REQUEST:	Special Exception for an
	Special Exception for an amusement arease.
POSTPONEMENTS	DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.
	TU CONFIRM HEARING CALL 887-3391.

HANDICAPPED ACCESSIBLE

9/96 post.4.doc

*UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.

TO: PUTUXENT PUBLISHING COMPANY
April 10, 1997 Issue - Jeffersonian

Please foward billing to:

Newton A. Williams, Esq. Nolan, Plumhoff & Williams 700 Nottingham Center 502 Washington Avenue Towson, MD 21204 823-7800

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-422-X
61 E. Padonia Road
S/S Padonia Road, 1200'+/- E of c/l York Road
8th Election District - 4th Councilmanic
Legal Owner(s): Padonia Village, Inc.
Contract Purchaser(s): DMC Enterprise, Inc., t/a Padonia Station

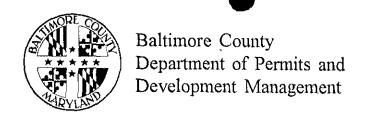
Special Exception for an amusement arcade.

HEARING: TUESDAY, MAY 6, 1997 at 9:00 a.m., 4th floor hearing room, Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 7, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 97-422-X
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S/S Padonia Road, 1200'+/- E of c/l York Road
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Special Exception for an amusement arcade.

HEARING: TUESDAY, MAY 6, 1997 at 9:00 a.m., 4th floor hearing room, Courts Bldg., 401 Bosley Avenue.

Arnold Jablon Director

cc: Padonia Village, Inc.

DMC Enterprise, Inc. Newton A. Williams, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 21, 1997.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County 4 · 4 · 37 Item No. 427 RE:

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief

Engineering Access Permits

Division

LG

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

PDM

DATE: Cipril 9, 97

FROM:

R. Bruce Seeley . RS/9/

Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee Meeting Date: Chril

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

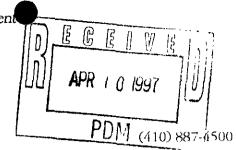
Item #'s: 410

RBS:sp

BRUCE2/DEPRM/TXTSBP

Baltimore County Government Fire Department





700 East Joppa Road Suite 901 Towson, MD 21286-5500

April 9, 1997

Armold Jablom, Director
Zoning Administration and Development Management
Haltimore County Office Building
Towson, Mb 21204
MAIL STOP 1105

RE: Property Owner: AMOUD OIL COMPANY 41d
LOUIL HAMPTON - 418 |
FEANE D. MORAN, SP. &
GIEPHEN J. MORAN - 410
COLUMBUS CLUB OF OVERLEA, INC. - 421
PADONIA VILLAGE, INC. - 422

Location: DISTRIBUTION MEETING OF APRIL 7, 1907

15cm No.: 414, 418, 419, 421 8

8(422)

Zorring Agendas

Gentlemen:

Pursuant to your request, the referenced properly has been curveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the limit plant for the property.

- 4. The site shall be made to comply with all applicable picts of the Fire Prevention Code prior to occupancy of operation.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 100 "Life Safety Code", 1991 edition prior to occupancy.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 14, 1997

Department of Permits & Development

Management

FROM:

Wohert W. Bowling, Chief Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for April 14, 1997
Item Nos. 410, 411, 413, 416, 417, 422, 423 and 424

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:cab

cc: File

ZONE414.NOC

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONCE

TO: Arnold Jablon, Director Department of Permits and Development Management DATE: April 16, 1997

FROM: Arnold F. "Pat" Keller, III, Director Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 422

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495

Prepared by: Johns W-Jan

Division Chief: Canyl Llans

AFK/JL

#419 --- MJK

1. Sign form is incorrect/incomplete.

#422 --- RT

- Need printed or typed name of person signing for legal owners:
- 2. Need printed or typed title of person signing for legal owner.
- 3. Need printed or typed name of person signing for contract purchaser.
- 4. Need printed or typed title of person signing for contract purchaser.
- 5 Need authorization for person signing for attorney.

#424 --- RT

- 1. No section number or wording on petition form.
- 2. Notary section is incomplete.

Baltimore County Government Clice of Permits and Development Manageme 111 West Chesapeake Avenue, Room 111 Towson, MD 21204

4	(410) 887-3391		
PROVISIONAL APPROVAL PERMIT NUMBER:			·
	Date: 4/16/97		
Location: Padonia Village Shop	ping Conter	- William	
The issuance of this permit in no w this property which is in conflict w	The state of the state of	val of any matter relating to oning Regulations.	3
The issuance of this permit is subje	ct to the following Conditi	ons:	
Owner has filed for a public	hearing, Item# Zon-	Care No 17-422	-×
Owner must file for a public l Commissionr requesting relie Zoning Regulations.	hearing within days be of from all conflicts with the	fore the Zoning Baltimore County	
Owner/contract purchaser must and requested accompanying conflicts with the Baltimore C	st submit a complete revise information within day ounty Zoning Regulations.	d site development plan is resolving all possible	
The owner/contract purchaser may indicated in the above referenced per However, in the event that any or stipulated, and/or the petition for reprovisional approval is rescinded for	all of the above conditioning the first been denied, dismituhen.	ns are not completed as issed, or withdrawn, this	
Immediately thereafter, the owner/or condition it was in prior to the begin liability in the matter.	ontract purchaser must re- ning of said construction a	turn the property to the and accepts full financial	
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ZONING STAFF	DIRECTOR, PERMITS & DEVE	LOPMENT MANAGEMENT	·
I have read the above statement and I commissioner, if applicable, in this matter in fact the owner and, if applicable, the	agree to abide by the deciser. I also hereby certify tha contract purchaser and not	ion of the zoning t l, the undersigned, am just an agent for same.	. '
igned - Owner	_ Signed - Contract Purch	TYN (I) II I	Marc Lounda
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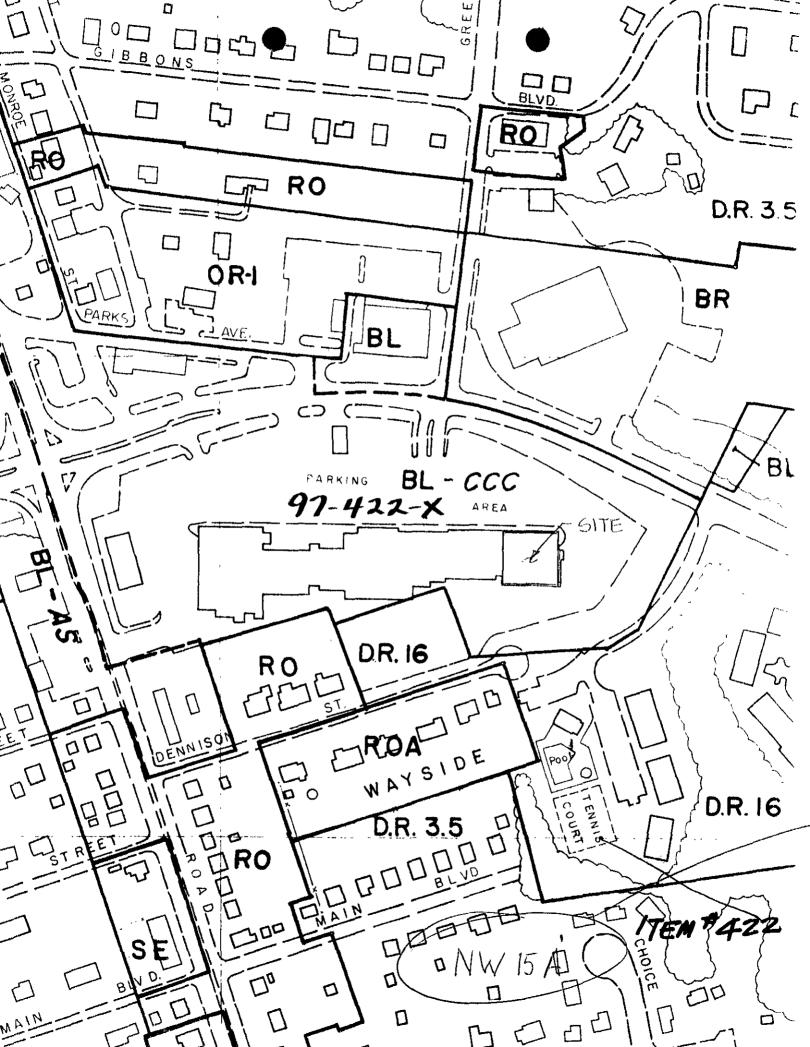
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592.621)

ل التقائدة المناها

PETITIONER(S) SIGN-IN SHEET

NAME ,	ADDRESS
Newton a. Williams Eg. MARC LOUNDAS	502 Wash. ave. , Towarn, Mil.
MARC Loundas	502 Wash. ave., Towarn, Mel. 63 E Padonia Rd Timmium 21204.
	10540 BIRD EINER RD BADT 3/320
Wayne R Janney Joseph / Totofik	2 Hume Ct BANTE. Ind 21214
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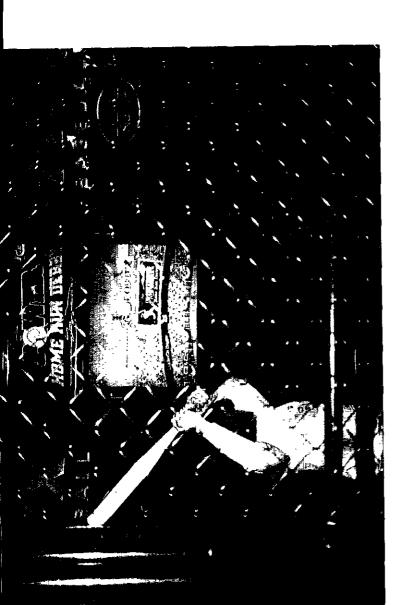


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